

Deficiency Progress Report – Update 1

Report Submitted: August 5, 2009

CUPA: Madera County Environmental Health

Evaluation Date: April 22 and 23, 2009

Evaluation Team:

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Corrected Deficiencies: 2

Next Progress Report (Update 2) Due: November 3, 2009

[Please update the deficiencies below that remain outstanding.](#)

1. **Deficiency:** The CUPA failed to exercise a graduated series of enforcement actions on hazardous materials business plan (HMBP) facilities that did not submit business plans and/or annual inventories. The CUPA has implemented informal enforcement (reminder letters and phone calls) on many of these facilities multiple times; however, many facilities remain nonresponsive.

Preliminary Corrective Actions: By October 23, 2009, the CUPA will implement formal enforcement on those facilities that have been nonresponsive to previous requests for business plans and/or annual inventory submittals.

CUPA's 1st Update (8-5-09): The CUPA has been tracking annual submission of business plan information using our Envision database. Queries have been developed to determine who has not submitted annually and approximately 40 reminder notices were mailed in May requiring submission in order avoid further enforcement. Most facilities complied; some facilities were found to have been closed or have changed ownership. Notices of Violation have been sent via certified mail to four facilities. The CUPA staff has begun reviewing documentation in the facility files for those who have not complied to determine which facilities will be subject to administrative enforcement orders. We plan to initiate AEO activity on selected facilities by October 23, 2009.

The CUPA will continue to use our Envision violation tracking system to identify facilities who have failed to submit business plan information after being directed to do so.

[Cal/EPA's 1st Response:](#) Cal/EPA appreciates the CUPA's progress towards correcting this deficiency. Along with the next progress report, please report the

disposition of the noncompliant facilities and what enforcement actions the CUPA implemented against the recalcitrant facilities.

CUPA's 2nd Update: [Enter Update Here](#)

2. **Deficiency:** The CUPA does not have financial management procedures that includes the following:

- A single fee system in compliance with Title 27, section 15210;
- A fee accountability program in compliance with Title 27, section 15220; and
- A surcharge collection and reimbursement program in compliance with Title 27, section 15250.

Preliminary Corrective Actions: By July 23, 2009, the CUPA will complete its financial management procedures that are in compliance with Title 27, section 15180 (e)(5).

The CUPA will submit a copy to Cal/EPA along with its first progress report.

CUPA's 1st Update: The CUPA has updated our financial management procedures to include a single fee system, fee accountability program, and surcharge collection and reimbursement program in compliance with Title 27, sections 15210, 15220, and 15250, respectively. A copy of the Madera County Financial Management Procedures is attached. An additional copy has been placed in the Madera County CUPA Policies and Procedures binder.

Cal/EPA's 1st Response: After reviewing the CUPA's completed financial management procedures, Cal/EPA considers this deficiency corrected.

3. **Deficiency:** The CUPA's UST facility files reviewed did not contain plot plans, or plot plans did not have all the required information, or they were not current.

Preliminary Corrective Actions: The CUPA will review UST files for the required plot plans and will request plot plans to be submitted or updated during the annual inspections from the UST owner/operators as necessary.

By April 23, 2010, all UST facility files will contain plot plans. Also the CUPA will update its files with the new UST Forms A (Facility Information), B (Tank Information), D (Monitoring) and E (Response). The new forms require additional information that was not on the previous forms. This was part of the new Title 27 regulations adopted last year.

CUPA's 1st Update (8-5-09): The CUPA has reviewed all UST facility files and determined that approximately 80% of the files do not contain an adequate plot plan. From the time of the evaluation, as each facility receives its annual

inspection, CUPA staff has required that a plot plan be included in the file. It is often necessary for CUPA staff to assist the facility owner with the completion of the plot plan. A master map legend has been developed, printed onto a sticker and used as the standard for all plot plans. Additionally, inclusion of updated UPCF UST forms into the facility file is being done during the annual inspection. The CUPA expects all UST facility files to contain updated forms and plot plans by April 23, 2010.

Cal/EPA's 1st Response: Please refer to SWRCB's response.

- **SWRCB's Response:** The State Water Board appreciates the CUPA's efforts to complete their facility files with all the required information and checking out what is required in plot plans. Based on communication with the CUPA, the SWRCB feels that this deficiency will be corrected before the date specified in the Summary of Findings. Please provide status on updating the UST files with your next progress report.

CUPA's 2nd Update: Enter Update Here